

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2007/0173628, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claim 1 has been amended to clarify that at least one polyether alcohol, by reacting at least one saturated alkylene oxide, is intended to be within the terms of the claims, the at least one polyether alcohol now being referred to as the -- polyether alcohol component-- and that at least one antioxidant may be used, as supported in the specification at paragraph [0066]. Prefixes (1) and (2) have also been inserted for the precursor OH compound. The remaining amendments have been made to be consistent with Claim 1. Claim 2 has been canceled as redundant.

New Claims 13-21 have been added. Claims 13-16 are supported in the specification by the Examples in Table 1 at paragraph [0086], the upper value for the amount corresponding to an amount in an Example. Claim 17 is supported in the specification at paragraph [0010]. Claim 18 is supported in the specification at paragraph [0035]. Claims 19-20 are supported in the specification by the Examples in said Table 1. Claim 21 is supported in the specification by the Examples in said Table 1.

No new matter is believed to have been added by the above amendment. Claims 1 and 3-21 are now pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held June 13, 2008, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed possible further comparisons using comparative data. The discussion is summarized and expanded upon below.

The rejection of Claims 1-10 under 35 U.S.C. § 103(a) as unpatentable over US 3,829,505 (Herold) alone or in view of EP 0759450 (Lawrey et al), is respectfully traversed.

As recited in above-amended Claim 1, an embodiment of the present invention is a process for preparing a polyether alcohol component, which is (1) at least one polyether alcohol, comprising reacting at least one saturated alkylene oxide with at least one saturated OH compound, or (2) an alkylene oxide that has previously been oligomerized or polymerized with the saturated OH compound, in the presence of a double metal cyanide (DMC) catalyst, wherein at least one antioxidant is added before the reaction, using more antioxidant than DMC catalyst (based on the mass of DMC catalyst used), wherein the amount of antioxidant is from 2 to 500 times the mass of catalyst used.

In response to Applicants' arguments in the previous response that the comparative data of record in the specification demonstrated patentability by showing that adding the antioxidant **before** the reaction, and in an amount of **at least 2 times the mass of the catalyst used**, results in significantly shortened induction time, and that the greater the amount of antioxidant added before the reaction with respect to the amount of catalyst used, the shorter the induction time, the Examiner finds that the comparison is not being made to the closest prior art. Since the comparative examples relied on herein contained no antioxidant, while the closest prior art, which the Examiner finds is Herold and that Herold discloses approximately equal amounts of antioxidant and catalyst, the Examiner believes that

comparisons should have been made to examples using such approximately equal amounts, as confirmed by Applicants' attorney during the above-referenced interview.

To that end, the newly-submitted Löffler Declaration shows three additional comparative examples, labeled as Examples 4a, 6a and 11a, respectively, wherein equal amount of antioxidant and catalyst were used. The specifics of these comparative examples, together with examples and comparative examples already of record in the specification at page 15 in Table 1, are shown below as Table 1a, wherein the new comparative examples are shown in bold.

Table 1a

Example	Amount of DMC [ppm]	Stabilizer	Amount [ppm]	Induction time (min)
1	150	-	-	14
2	150	BHT	1000	4
3	150	BHT	1000	5
4	150	alpha-Tocopherol	1000	5
4a	150	alpha-Tocopherol	150	11
5	150	Dihexadecylhydroxylamine	500	7
6	150	Triphenyl phosphite	500	4
6a	150	Triphenyl phosphite	150	12
7	150	Diphenyloxamide	2000	2
8	25	-	-	27
9	25	BHT	250	6
10	25	BHT	250	5
11	25	BHT	50	10
11a	25	BHT	25	16

Löffler characterizes the results as follows:

5. From the (comparative) Examples 4a, 6a and 11a in conjunction with Examples 1-11 as originally filed (Examples 1 and 8 being comparative examples), it can be seen that adding an amount from 2-500 times the mass of the catalysts of antioxidant before the reaction, leads to a significant reduction of the induction time. Reference is made to (comparative) Example 1, and Examples 4 and 6 as originally filed, and new (comparative) Examples 4a and 6a.

6. In (comparative) Example 1, no antioxidant is added before the reaction, and the reaction time is 14 minutes. In Example 4, an amount of 1000 ppm α -tocopherol is added, which is equivalent to a 6.7 fold excess of the mass of the catalysts used, and the induction time falls to 5 minutes. According to (comparative) Example 4a, an equivalent amount of catalysts and α -tocopherol are added before

the reaction. The induction time nearly stays the same. It only drops insignificantly to 11 minutes, compared to 14 minutes when no antioxidant is added.

7. The same result is obtained when comparing (comparative) Example 1, Example 6, and new (comparative) Example 6a. In Example 6, an amount of 500 ppm triphenylphosphite is added which is equivalent to a 3.3 fold excess of the mass of the catalysts used. The induction time significantly falls to 4 minutes. In (comparative) Example 6a, an equal amount of catalyst and thiophenylphosphite is added. Nearly no reduction in the induction time can be observed (12 minutes in (comparative) Example 6a compared to 14 minutes when no antioxidant is added).

8. A similar result is observed if the amount of BHT as an antioxidant is varied. In (comparative) Example 8, no antioxidant is added before the reaction, and the induction time is 27 minutes. In Examples 9, 10 and 11, an excess of antioxidant is used, which leads to a significant reduction of the induction time. In (comparative) Example 11a, an equal amount of catalyst and BHT is used, which leads to only a small reduction of the induction time.

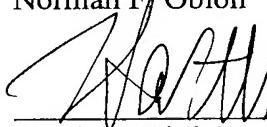
9. Therefore, from the (comparative) Examples 4a, 6a and 11a in conjunction with Examples 1-11 as originally filed, it can clearly be seen that the addition of equal amounts of catalyst and antioxidant does not realize the advantageous effect of the invention.

Thus, Applicants have compared to what the Examiner characterizes as the closest prior art and shown significant improvement that could not have been predicted by the prior art. Accordingly, it is respectfully requested that this rejection be withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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